

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

GARY R. FERRIGNO,)	
Plaintiff,)	
)	
vs)	Civil Action No. 08-1140
)	Judge Terrence F. McVerry
FRANKLIN GROUP, INC.,)	Magistrate Judge Amy Reynolds Hay
t/d/b/a TSO OF OHIO,)	
Defendant.)	

ORDER

AND NOW, this 23rd day of March, 2010, after the plaintiff, Gary R. Ferrigno, filed an action in the above-captioned case, and after a Motion for Summary Judgment was filed by defendant, Franklin Group, Inc., and after a Report and Recommendation was filed by the United States Magistrate Judge granting the parties until March 18, 2010, to file written objections thereto, and upon consideration of the objections filed by plaintiff, and upon independent review of the record, and upon consideration of the Magistrate Judge's Report and Recommendation, which is adopted as the opinion of this Court,

IT IS HEREBY ORDERED that the Motion for Summary Judgment (Doc. 25) is DENIED.

IT IS FURTHER ORDERED that, pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, if defendant desires to appeal from this Order it must do so within thirty (30) days by filing a notice of appeal as provided in Rule 3, Fed. R. App. P.

s/Terrence F. McVerry
United States District Judge

cc: Honorable Amy Reynolds Hay
United States Magistrate Judge

All Counsel of Record by electronic filing